

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PAUL DAVID KENT,

Plaintiff,

v.

**SOFTWARE ONE, INC. and
JACOB R. HAYS, individually,**

Defendants.

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**CIVIL ACTION NO.
JURY DEMANDED**

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Paul David Kent files this Original Complaint against Defendants Software ONE, Inc. and Jacob R. Hays (collectively, the “Defendants”) alleging wrongful discharge as a form of discrimination in violation of the Texas Commission on Human Rights Act, TEXAS LABOR CODE Ch. 21 (the “TCHRA”), the Age Discrimination in Employment Act, 29 U.S.C. §§ 621-34 (the “ADEA”), the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (the “FMLA”), and Section 510 of the Employee Retirement Income Security Act, 29 U.S.C. § 1140 (“ERISA”). Plaintiff requests equitable relief, damages, interest, and costs for Defendants’ unlawful acts.

I. PARTIES AND SERVICE

1. Plaintiff Paul David Kent (“Plaintiff”) is a resident of Tarrant County, Texas.
2. Defendant Software ONE, Inc. (“SoftwareONE”) is a Wisconsin corporation doing business nationwide with its principal place of business at 20875 Crossroads Circle, Suite 1, Waukesha, Wisconsin 53186. SoftwareONE engages in business in the State of Texas, but it has not designated an agent for service of process in this state. Federal Rule of Civil Procedure 4(e)(1) and 4(h)(1)(A) authorize service of process in any manner allowed by Texas law.

Pursuant to Texas Civil Practice & Remedies Code § 17.044, SoftwareONE can be served through the Texas Secretary of State at the following address: Service of Process, Secretary of State, James E. Rudder Building, 1019 Brazos, Room 105, Austin, Texas 78701.

3. Defendant Jacob R. Hays (“Hays”) is an individual residing in Dallas County, Texas. He may be served at 9407 Estate Lane, Dallas, Texas 75238, or wherever he may be found.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because this matter involves controversies arising under the laws of the United States, including the ADEA, FMLA, and ERISA. This Court has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.

5. Venue is proper in the Northern District of Texas, under 28 U.S.C. § 1391(b)(1) and (2) because Hays resides in this District and because a substantial part of the events or omissions forming the basis of the suit occurred in this District.

6. On July 6, 2020, Plaintiff timely dual-filed a Charge of Discrimination with the Texas Workforce Commission (“TWC”) and the U.S. Equal Employment Opportunity Commission (“EEOC”), alleging discrimination on the basis of age. This lawsuit is being filed more than 180 days after Plaintiff’s Charge was filed.

7. All administrative prerequisites have been met or have expired.

III. FACTUAL SUMMARY

8. Plaintiff, who is 57 years old, was hired by SoftwareOne on September 14, 2015, as an Account Manager. He worked from his home in Keller, Texas, with occasional travel to meet with clients in several locations throughout Texas and neighboring states.